



Sen. Martin A. Sandoval

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LRB095 05849 DRH 33160 a

1 AMENDMENT TO SENATE BILL 1751

2 AMENDMENT NO. _____. Amend Senate Bill 1751 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Section 5.675 as follows:

6 (30 ILCS 105/5.675 new)

7 Sec. 5.675. The Secretary of State Driver's Certificate
8 Fund.

9 Section 10. The Illinois Vehicle Code is amended by
10 changing Sections 2-119, 6-106, and 6-118 and by adding Section
11 6-107.5 as follows:

12 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

13 Sec. 2-119. Disposition of fees and taxes.

14 (a) All moneys received from Salvage Certificates shall be

1 deposited in the Common School Fund in the State Treasury.

2 (b) Beginning January 1, 1990 and concluding December 31,
3 1994, of the money collected for each certificate of title,
4 duplicate certificate of title and corrected certificate of
5 title, \$0.50 shall be deposited into the Used Tire Management
6 Fund. Beginning January 1, 1990 and concluding December 31,
7 1994, of the money collected for each certificate of title,
8 duplicate certificate of title and corrected certificate of
9 title, \$1.50 shall be deposited in the Park and Conservation
10 Fund.

11 Beginning January 1, 1995, of the money collected for each
12 certificate of title, duplicate certificate of title and
13 corrected certificate of title, \$2 shall be deposited in the
14 Park and Conservation Fund. The moneys deposited in the Park
15 and Conservation Fund pursuant to this Section shall be used
16 for the acquisition and development of bike paths as provided
17 for in Section 805-420 of the Department of Natural Resources
18 (Conservation) Law (20 ILCS 805/805-420).

19 Beginning January 1, 2000, of the moneys collected for each
20 certificate of title, duplicate certificate of title, and
21 corrected certificate of title, \$48 shall be deposited into the
22 Road Fund and \$4 shall be deposited into the Motor Vehicle
23 License Plate Fund, except that if the balance in the Motor
24 Vehicle License Plate Fund exceeds \$40,000,000 on the last day
25 of a calendar month, then during the next calendar month the \$4
26 shall instead be deposited into the Road Fund.

1 Beginning January 1, 2005, of the moneys collected for each
2 delinquent vehicle registration renewal fee, \$20 shall be
3 deposited into the General Revenue Fund.

4 Except as otherwise provided in this Code, all remaining
5 moneys collected for certificates of title, and all moneys
6 collected for filing of security interests, shall be placed in
7 the General Revenue Fund in the State Treasury.

8 (c) All moneys collected for that portion of a driver's
9 license fee designated for driver education under Section 6-118
10 shall be placed in the Driver Education Fund in the State
11 Treasury.

12 (d) Beginning January 1, 1999, of the monies collected as a
13 registration fee for each motorcycle, motor driven cycle and
14 motorized pedalcycle, 27% of each annual registration fee for
15 such vehicle and 27% of each semiannual registration fee for
16 such vehicle is deposited in the Cycle Rider Safety Training
17 Fund.

18 (e) Of the monies received by the Secretary of State as
19 registration fees or taxes or as payment of any other fee, as
20 provided in this Act, except fees received by the Secretary
21 under paragraph (7) of subsection (b) of Section 5-101 and
22 Section 5-109 of this Code, 37% shall be deposited into the
23 State Construction Fund.

24 (f) Of the total money collected for a CDL instruction
25 permit or original or renewal issuance of a commercial driver's
26 license (CDL) pursuant to the Uniform Commercial Driver's

1 License Act (UCDLA): (i) \$6 of the total fee for an original or
2 renewal CDL, and \$6 of the total CDL instruction permit fee
3 when such permit is issued to any person holding a valid
4 Illinois driver's license, shall be paid into the
5 CDLIS/AAMVAnet Trust Fund (Commercial Driver's License
6 Information System/American Association of Motor Vehicle
7 Administrators network Trust Fund) and shall be used for the
8 purposes provided in Section 6z-23 of the State Finance Act and
9 (ii) \$20 of the total fee for an original or renewal CDL or
10 commercial driver instruction permit shall be paid into the
11 Motor Carrier Safety Inspection Fund, which is hereby created
12 as a special fund in the State Treasury, to be used by the
13 Department of State Police, subject to appropriation, to hire
14 additional officers to conduct motor carrier safety
15 inspections pursuant to Chapter 18b of this Code.

16 (g) All remaining moneys received by the Secretary of State
17 as registration fees or taxes or as payment of any other fee,
18 as provided in this Act, except fees received by the Secretary
19 under paragraph (7) (A) of subsection (b) of Section 5-101 and
20 Section 5-109 of this Code, shall be deposited in the Road Fund
21 in the State Treasury. Moneys in the Road Fund shall be used
22 for the purposes provided in Section 8.3 of the State Finance
23 Act.

24 (h) (Blank).

25 (i) (Blank).

26 (j) (Blank).

1 (k) There is created in the State Treasury a special fund
2 to be known as the Secretary of State Special License Plate
3 Fund. Money deposited into the Fund shall, subject to
4 appropriation, be used by the Office of the Secretary of State
5 (i) to help defray plate manufacturing and plate processing
6 costs for the issuance and, when applicable, renewal of any new
7 or existing registration plates authorized under this Code and
8 (ii) for grants made by the Secretary of State to benefit
9 Illinois Veterans Home libraries.

10 On or before October 1, 1995, the Secretary of State shall
11 direct the State Comptroller and State Treasurer to transfer
12 any unexpended balance in the Special Environmental License
13 Plate Fund, the Special Korean War Veteran License Plate Fund,
14 and the Retired Congressional License Plate Fund to the
15 Secretary of State Special License Plate Fund.

16 (l) The Motor Vehicle Review Board Fund is created as a
17 special fund in the State Treasury. Moneys deposited into the
18 Fund under paragraph (7) of subsection (b) of Section 5-101 and
19 Section 5-109 shall, subject to appropriation, be used by the
20 Office of the Secretary of State to administer the Motor
21 Vehicle Review Board, including without limitation payment of
22 compensation and all necessary expenses incurred in
23 administering the Motor Vehicle Review Board under the Motor
24 Vehicle Franchise Act.

25 (m) Effective July 1, 1996, there is created in the State
26 Treasury a special fund to be known as the Family

1 Responsibility Fund. Moneys deposited into the Fund shall,
2 subject to appropriation, be used by the Office of the
3 Secretary of State for the purpose of enforcing the Family
4 Financial Responsibility Law.

5 (n) The Illinois Fire Fighters' Memorial Fund is created as
6 a special fund in the State Treasury. Moneys deposited into the
7 Fund shall, subject to appropriation, be used by the Office of
8 the State Fire Marshal for construction of the Illinois Fire
9 Fighters' Memorial to be located at the State Capitol grounds
10 in Springfield, Illinois. Upon the completion of the Memorial,
11 moneys in the Fund shall be used in accordance with Section
12 3-634.

13 (o) Of the money collected for each certificate of title
14 for all-terrain vehicles and off-highway motorcycles, \$17
15 shall be deposited into the Off-Highway Vehicle Trails Fund.

16 (p) For audits conducted on or after July 1, 2003 pursuant
17 to Section 2-124(d) of this Code, 50% of the money collected as
18 audit fees shall be deposited into the General Revenue Fund.

19 (q) The Secretary of State Driver's Certificate Fund is
20 created as a special fund in the State treasury. Moneys
21 deposited into the fund shall, subject to appropriation, be
22 used by the Secretary of State to pay for the increase in the
23 costs associated with additional applicants for driver's
24 certificates issued under subsection (b-2) of Section 6-106 and
25 costs associated with specialized verification procedures
26 regarding those applicants.

1 (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 7-1-03; 93-840,
2 eff. 7-30-04.)

3 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

4 Sec. 6-106. Application for license or instruction permit.

5 (a) Every application for any permit or license authorized
6 to be issued under this Act shall be made upon a form furnished
7 by the Secretary of State. Every application shall be
8 accompanied by the proper fee and payment of such fee shall
9 entitle the applicant to not more than 3 attempts to pass the
10 examination within a period of 1 year after the date of
11 application.

12 (b) Every application shall state the legal name, social
13 security number, zip code, date of birth, sex, and residence
14 address of the applicant; briefly describe the applicant; state
15 whether the applicant has theretofore been licensed as a
16 driver, and, if so, when and by what state or country, and
17 whether any such license has ever been cancelled, suspended,
18 revoked or refused, and, if so, the date and reason for such
19 cancellation, suspension, revocation or refusal; shall include
20 an affirmation by the applicant that all information set forth
21 is true and correct; and shall bear the applicant's signature.
22 The application form may also require the statement of such
23 additional relevant information as the Secretary of State shall
24 deem necessary to determine the applicant's competency and
25 eligibility.

1 (b-1) The Secretary of State may in his discretion
2 substitute a federal tax number in lieu of a social security
3 number, or he may instead assign an additional distinctive
4 number in lieu thereof, where an applicant is prohibited by
5 bona fide religious convictions from applying or is exempt from
6 applying for a social security number. The Secretary of State
7 shall, however, determine which religious orders or sects have
8 such bona fide religious convictions.

9 (b-2) (1) In compliance with the federal REAL ID Act,
10 Division B of Public Law 109-13, the Secretary of State may
11 issue to any Illinois resident a driver's certificate that
12 shall:

13 (A) clearly state on its face that it may not be
14 accepted by any federal agency for any federal
15 identification or other official purpose ("official
16 purpose" being defined under Section 201 of the federal
17 REAL ID Act); and

18 (B) use a unique design or color indicator that
19 shall visually distinguish these certificates from
20 driver's licenses and permits issued under the
21 Illinois Vehicle Code so as to alert federal agency and
22 other law enforcement personnel that these
23 certificates may not be accepted for any federal
24 identification or other official purpose.

25 (2) Any applicant for a driver's certificate issued
26 under this subsection (b-2) must be at least 18 years of

1 age and must:

2 (A) provide the Secretary with a valid individual
3 tax identification number issued by the federal
4 Internal Revenue Service or social security number
5 issued by the federal Social Security Administration;

6 (B) provide a valid passport and any additional
7 documents, as the Secretary may set forth by
8 administrative rule, such that the passport and
9 additional documents in combination shall include the
10 following:

11 (i) a photo identity document, except that a
12 non-photo identity document is acceptable if it
13 includes both the person's full legal name and date
14 of birth;

15 (ii) documentation showing the person's date
16 of birth;

17 (iii) documentation showing the person's name
18 and address of principal residence; provided that
19 the Secretary shall not accept any foreign
20 document, other than a valid official passport,
21 for purposes of this subparagraph; and provided
22 further that the Secretary shall verify, with the
23 issuing agency, the issuance, validity, and
24 completeness of each document presented by the
25 applicant, to satisfy the requirements of this
26 subdivision (b-2) (2) (B); and

1 (C) file with the Secretary of State proof provided
2 to the applicant by the Illinois State Police that a
3 set of the applicant's fingerprints has been collected
4 (costs associated with this fingerprinting shall be
5 paid by the applicant at the time of collection); and

6 (D) surrender all false driver's licenses or State
7 identification cards in the applicant's possession.
8 The Secretary shall handle the surrender of these
9 documents at the Secretary's discretion, provided that
10 no applicant shall be subject to civil or criminal
11 prosecution for the acquisition, possession, use, or
12 distribution of these documents, and provided further
13 that the Secretary shall destroy any relinquished
14 documents within 24 hours of receipt and shall not
15 maintain any records of those documents.

16 (3) The Secretary of State shall provide to the
17 Illinois Department of Revenue all information, including
18 the individual tax identification number, captured on the
19 application. If the Illinois Department of Revenue
20 determines that an individual to whom a driver's
21 certificate was issued is not in compliance with any
22 applicable tax laws administered by the Department of
23 Revenue, the Department of Revenue shall request that the
24 Secretary of State suspend or revoke the certificate.

25 (4) The bearer of a driver's certificate issued under
26 this subsection (b-2) shall be subject to any and all

1 provisions of this Code and any and all implementing
2 regulations issued by the Secretary of State to the same
3 extent as any driver issued a driver's license, including
4 but not limited to the mandatory insurance requirements and
5 penalties set forth in Article VII of this Code, unless
6 otherwise specified in this subsection (b-2). To the extent
7 that any driver is required by law to have a valid Illinois
8 driver's license in order to purchase insurance to comply
9 with the mandatory insurance provisions of this Code, a
10 driver's certificate issued under this subsection (b-2)
11 shall satisfy that requirement. Within 30 days of receiving
12 a certificate, the driver shall provide proof of insurance
13 to the Secretary of State; if the driver fails to provide
14 that proof within 30 days, the Secretary is authorized to
15 suspend the certificate until the driver provides that
16 proof.

17 (5) A person denied a driver's certificate under this
18 subsection (b-2) may seek review under the Administrative
19 Review Law. This amendatory Act of the 95th General
20 Assembly does not affect the issuance of any commercial
21 driver's license or school bus driver's permit under the
22 Illinois Vehicle Code or any State identification card
23 under the Illinois Identification Card Act. A driver's
24 certificate issued under this subsection (b-2) may not be
25 used to obtain a Firearm Owner's Identification Card and
26 may not be used to obtain a driver's license in another

1 state.

2 (6) The Secretary of State may, in his or her
3 discretion, by rule or regulation, provide that an
4 application for a driver's certificate under this
5 subsection (b-2) may include a suitable photograph of the
6 applicant in the form prescribed by the Secretary, and the
7 Secretary of State may further provide that each driver's
8 certificate issued under this subsection (b-2) shall
9 include a photograph of the driver. The Secretary of State
10 may use a photograph process or system most suitable to
11 deter alteration or improper reproduction of a driver's
12 certificate issued under this subsection (b-2) and to
13 prevent substitution of another photo thereon.

14 (b-3) Subsection (b-2) becomes inoperative 5 years after
15 the effective date of this amendatory Act of the 95th General
16 Assembly; however, any document issued under subsection (b-2)
17 shall remain valid until the date set forth on the document by
18 the Secretary of State.

19 (b-4) The Secretary of State may, in his discretion, by
20 rule or regulation, provide that an application for a drivers
21 license or permit may include a suitable photograph of the
22 applicant in the form prescribed by the Secretary, and he may
23 further provide that each drivers license shall include a
24 photograph of the driver. The Secretary of State may utilize a
25 photograph process or system most suitable to deter alteration
26 or improper reproduction of a drivers license and to prevent

1 substitution of another photo thereon.

2 (c) The application form shall include a notice to the
3 applicant of the registration obligations of sex offenders
4 under the Sex Offender Registration Act. The notice shall be
5 provided in a form and manner prescribed by the Secretary of
6 State. For purposes of this subsection (c), "sex offender" has
7 the meaning ascribed to it in Section 2 of the Sex Offender
8 Registration Act.

9 (d) Any male United States citizen or immigrant who applies
10 for any permit or license authorized to be issued under this
11 Act or for a renewal of any permit or license, and who is at
12 least 18 years of age but less than 26 years of age, must be
13 registered in compliance with the requirements of the federal
14 Military Selective Service Act. The Secretary of State must
15 forward in an electronic format the necessary personal
16 information regarding the applicants identified in this
17 subsection (d) to the Selective Service System. The applicant's
18 signature on the application serves as an indication that the
19 applicant either has already registered with the Selective
20 Service System or that he is authorizing the Secretary to
21 forward to the Selective Service System the necessary
22 information for registration. The Secretary must notify the
23 applicant at the time of application that his signature
24 constitutes consent to registration with the Selective Service
25 System, if he is not already registered.

26 (Source: P.A. 92-117, eff. 1-1-02; 93-895, eff. 1-1-05.)

1 (625 ILCS 5/6-107.5 new)

2 Sec. 6-107.5. Ineligible applicants for Firearms Owner's
3 Identification Cards. The Secretary of State shall, in
4 conjunction with the Illinois State Police, establish
5 administrative procedures for determining and identifying
6 ineligible Firearm Owner's Identification Card applicants
7 through information provided to the Secretary of State, through
8 the driver's license and driver's certificate application
9 process, to ensure compliance with the Firearm Owners
10 Identification Card Act.

11 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

12 Sec. 6-118. Fees.

13 (a) The fee for licenses and permits under this Article is
14 as follows:

15	Original driver's license	\$10
16	Original or renewal driver's license	
17	issued to 18, 19 and 20 year olds	5
18	All driver's licenses for persons	
19	age 69 through age 80	5
20	All driver's licenses for persons	
21	age 81 through age 86	2
22	All driver's licenses for persons	
23	age 87 or older	0
24	Renewal driver's license (except for	

1 applicants ages 18, 19 and 20 or
2 age 69 and older) 10
3 Original instruction permit issued to
4 persons (except those age 69 and older)
5 who do not hold or have not previously
6 held an Illinois instruction permit or
7 driver's license 20
8 Instruction permit issued to any person
9 holding an Illinois driver's license
10 who wishes a change in classifications,
11 other than at the time of renewal 5
12 Any instruction permit issued to a person
13 age 69 and older 5
14 Instruction permit issued to any person,
15 under age 69, not currently holding a
16 valid Illinois driver's license or
17 instruction permit but who has
18 previously been issued either document
19 in Illinois 10
20 Restricted driving permit 8
21 Duplicate or corrected driver's license
22 or permit 5
23 Duplicate or corrected restricted
24 driving permit 5
25 Original or renewal M or L endorsement 5
26 The fee for a driver's certificate issued under subsection

1 (b-2) of Section 6-106 shall be \$10 plus an additional fee of
 2 not less than \$50, to be set by the Secretary by rule, to cover
 3 the additional costs associated with issuing those driver's
 4 certificates.

5 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

6 The fees for commercial driver licenses and permits
 7 under Article V shall be as follows:

8 Commercial driver's license:

- 9 \$6 for the CDLIS/AAMVAnet Fund
- 10 (Commercial Driver's License Information
- 11 System/American Association of Motor Vehicle
- 12 Administrators network Trust Fund);
- 13 \$20 for the Motor Carrier Safety Inspection Fund;
- 14 \$10 for the driver's license;
- 15 and \$24 for the CDL: \$60

16 Renewal commercial driver's license:

- 17 \$6 for the CDLIS/AAMVAnet Trust Fund;
- 18 \$20 for the Motor Carrier Safety Inspection Fund;
- 19 \$10 for the driver's license; and
- 20 \$24 for the CDL: \$60

21 Commercial driver instruction permit

22 issued to any person holding a valid
 23 Illinois driver's license for the
 24 purpose of changing to a
 25 CDL classification: \$6 for the
 26 CDLIS/AAMVAnet Trust Fund;

1 \$20 for the Motor Carrier
2 Safety Inspection Fund; and
3 \$24 for the CDL classification \$50
4 Commercial driver instruction permit
5 issued to any person holding a valid
6 Illinois CDL for the purpose of
7 making a change in a classification,
8 endorsement or restriction \$5
9 CDL duplicate or corrected license \$5

10 In order to ensure the proper implementation of the Uniform
11 Commercial Driver License Act, Article V of this Chapter, the
12 Secretary of State is empowered to pro-rate the \$24 fee for the
13 commercial driver's license proportionate to the expiration
14 date of the applicant's Illinois driver's license.

15 The fee for any duplicate license or permit shall be waived
16 for any person age 60 or older who presents the Secretary of
17 State's office with a police report showing that his license or
18 permit was stolen.

19 No additional fee shall be charged for a driver's license,
20 or for a commercial driver's license, when issued to the holder
21 of an instruction permit for the same classification or type of
22 license who becomes eligible for such license.

23 (b) Any person whose license or privilege to operate a
24 motor vehicle in this State has been suspended or revoked under
25 Section 3-707, any provision of Chapter 6, Chapter 11, or
26 Section 7-205, 7-303, or 7-702 of the Family Financial

1 Responsibility Law of this Code, shall in addition to any other
2 fees required by this Code, pay a reinstatement fee as follows:

- 3 Suspension under Section 3-707 \$100
- 4 Summary suspension under Section 11-501.1 \$250
- 5 Other suspension \$70
- 6 Revocation \$500

7 However, any person whose license or privilege to operate a
8 motor vehicle in this State has been suspended or revoked for a
9 second or subsequent time for a violation of Section 11-501 or
10 11-501.1 of this Code or a similar provision of a local
11 ordinance or a similar out-of-state offense or Section 9-3 of
12 the Criminal Code of 1961 and each suspension or revocation was
13 for a violation of Section 11-501 or 11-501.1 of this Code or a
14 similar provision of a local ordinance or a similar
15 out-of-state offense or Section 9-3 of the Criminal Code of
16 1961 shall pay, in addition to any other fees required by this
17 Code, a reinstatement fee as follows:

- 18 Summary suspension under Section 11-501.1 \$500
- 19 Revocation \$500

20 (c) All fees collected under the provisions of this Chapter
21 6 shall be paid into the Road Fund in the State Treasury except
22 as follows:

23 1. The following amounts shall be paid into the Driver
24 Education Fund:

- 25 (A) \$16 of the \$20 fee for an original driver's
26 instruction permit;

1 (B) \$5 of the \$10 fee for an original driver's
2 license;

3 (C) \$5 of the \$10 fee for a 4 year renewal driver's
4 license; and

5 (D) \$4 of the \$8 fee for a restricted driving
6 permit.

7 2. \$30 of the \$250 fee for reinstatement of a license
8 summarily suspended under Section 11-501.1 shall be
9 deposited into the Drunk and Drugged Driving Prevention
10 Fund. However, for a person whose license or privilege to
11 operate a motor vehicle in this State has been suspended or
12 revoked for a second or subsequent time for a violation of
13 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
14 the Criminal Code of 1961, \$190 of the \$500 fee for
15 reinstatement of a license summarily suspended under
16 Section 11-501.1, and \$190 of the \$500 fee for
17 reinstatement of a revoked license shall be deposited into
18 the Drunk and Drugged Driving Prevention Fund.

19 3. \$6 of such original or renewal fee for a commercial
20 driver's license and \$6 of the commercial driver
21 instruction permit fee when such permit is issued to any
22 person holding a valid Illinois driver's license, shall be
23 paid into the CDLIS/AAMVAnet Trust Fund.

24 4. \$30 of the \$70 fee for reinstatement of a license
25 suspended under the Family Financial Responsibility Law
26 shall be paid into the Family Responsibility Fund.

1 5. The \$5 fee for each original or renewal M or L
2 endorsement shall be deposited into the Cycle Rider Safety
3 Training Fund.

4 6. \$20 of any original or renewal fee for a commercial
5 driver's license or commercial driver instruction permit
6 shall be paid into the Motor Carrier Safety Inspection
7 Fund.

8 7. The following amounts shall be paid into the General
9 Revenue Fund:

10 (A) \$190 of the \$250 reinstatement fee for a
11 summary suspension under Section 11-501.1;

12 (B) \$40 of the \$70 reinstatement fee for any other
13 suspension provided in subsection (b) of this Section;
14 and

15 (C) \$440 of the \$500 reinstatement fee for a first
16 offense revocation and \$310 of the \$500 reinstatement
17 fee for a second or subsequent revocation.

18 8. The entire amount more than \$10 of any fee for a
19 driver's certificate issued under subsection (b-2) of
20 Section 6-106 shall be deposited into the Secretary of
21 State Driver's Certificate Fund. The Secretary of State
22 shall adopt rules setting the fee for issuing a driver's
23 certificate, in light of the additional costs associated
24 with issuing those driver's certificates.

25 (Source: P.A. 93-32, eff. 1-1-04; 93-788, eff. 1-1-05; 94-1035,
26 eff. 7-1-07.)

1 Section 97. Severability. The provisions of this Act are
2 severable under Section 1.31 of the Statute on Statutes.

3 Section 99. Effective date. This Act takes effect January
4 1, 2008.".